

June 6 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 16-0334

ORIGINAL

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Beard Insurance Agency, Inc. and
Kenneth M. Beard

FILED

JUN 06 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. DA16-0334

BEARD INSURANCE AGENCY, INC.,
and KENNETH M. BEARD,

Appellants,

vs.

ROY KAUFMAN and GEORGE
KAUFMAN, PARTNERS, KAUFMAN
BROTHERS,

Appellees.

NOTICE OF APPEAL

NOTICE is given that BEARD INSURANCE AGENCY, INC., and
KENNETH M. BEARD, the Appellants in the above-named cause and who are
the Defendants in that cause of action filed in the Thirteenth Judicial District,
in and for the County of Yellowstone, as Cause No. DV 15-0852, hereby
appeals to the Supreme Court of the State of Montana from the ORDER AND
MEMORANDUM DENYING DEFENDANTS' MOTION TO COMPEL
ARBITRATION AND STAY PROCEEDINGS, DENYING DEFENDANTS'
MOTION TO DISMISS, AND DENYING AS MOOT PLAINTIFFS'
REQUEST FOR HEARING OR LEAVE TO FILE SUPPLEMENTAL BRIEF

1 entered in such action by the Honorable Rod Souza on the 10th day of May,
2 2016. Pursuant to *Frats v. Edward D. Jones and Co.*, a denial of a motion to
3 compel arbitration is appealable. *Frats v. Edward D. Jones and Co.*, 233
4 Mont. 377 (Mont. 1988).

5 THE APPELLANT FURTHER CERTIFIES:

- 6 1. That this appeal is not subject to the mediation process required
7 by M.R.App.P. 7.
8 2. That this appeal is not an appeal from an order certified as final
9 under M.R.Civ.P. 54(b).
10 3. That no hearings have been conducted and no transcripts exist.
11 4. That included herewith is the filing fee prescribed by statute.

12 DATED this 2nd day of June, 2016.
13
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15 HALVERSON, MAHLEN & WRIGHT, P.C.
16 Attorneys for Appellants,
17 Beard Insurance Agency, Inc. and
18 Kenneth M. Beard

19 By: 

JAMES R. HALVERSON

20 By: 

21 JOHN L. WRIGHT
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Kristie Boelter
Yellowstone County
Clerk of District Court
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~~JOHN L. WRIGHT~~